Henderson et al. for at least the reasons stated below.

I.   Unclear Rejection of Claims 9 - 19

In the Office Action, Claims 9 - 19 were rejected for being "apparatus claims that correspond to method claims 1-8, and thus are rejected [for the same reasons as Claims 1 - 8]."

Unfortunately, according to Applicants' records, Claims 9 - 17 are actually dependent method claims which have independent method Claim 1 as their original base claim. Claim 18 is an independent claim which recites a "message viewer", and dependent Claim 19 is for a computer program product implementing the method recited in Claim 1.

So while this rejection of Claims 9-19 as being "apparatus claims that correspond to method claims 1-8" may be generally appropriate for Claims 18 and 19, it is certainly not appropriate for Claims 9 - 17. Accordingly, there is no valid rejection in the Office Action that Applicants can address with respect to Claims 9 - 17, and these claims must be deemed to not be subject to a valid prima facia rejection in the present Office Action. Any subsequent rejection of these claims must be deemed a new ground of rejection of claims not previously rejected. As the "rejection" of Claims 9 - 17 is not arguable, Applicants will not directly address this portion of the rejection below.

II.   Traversal of the Rejections over the Cited Art

The Examiner rejected Claims 1 - 19 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,185,603 to Henderson et al. (Henderson). As noted above, the rejection of Claims 9-17 is improper and will not be addressed directly. Applicants traverse this rejection below.

A.   The Present Invention

The present invention provides a definition of concepts comprising one or more conditions against which an incoming message can be tested. The results of those tests are used to prioritise the message. Messages having different priorities are displayed in different manners.

B.   Differences between the Claims and the Cited Art

Regarding Claim 1, Henderson discloses a method for allowing a sender to include data in the subject line of an e-mail message, the data being used to control where the message is sent, when the message is sent and the appearance of the message.

Henderson does not disclose the step of defining one or more concepts against which a message can be prioritized, the or each concept comprising one or more conditions against which a message can be tested. The reference cited by the Examiner (col.4, lines 8-37) describes the conversion of a telephone call from voice to text and using keys on the telephone of the sender to control where the message is to be sent. An alternative embodiment uses a received facsimile message which is converted to text and then scanned for a predetermined escape sequence prior to being sent as an e-mail to the recipient. Henderson elsewhere discloses the entry by a sender of predefined escape sequences in the subject line of an e-mail message. Those predefined escape sequences are used to control where the message is sent, when the message is sent and the appearance of the message.

Henderson does not disclose the step of, for each message, generating a fit to a selected one or more of said concepts, said fit corresponding to whether or not said message fulfils said conditions. The reference cited by the Examiner (col.5, lines 4-51) describes the step of searching e-mail messages for special code or escape sequences in the subject line of the e-mail, or elsewhere in the e-mail. These special code or escape sequences are then processed to control where the

message is sent, when the message is sent or the appearance of the message.

Henderson does not disclose creating a display representative of the respective fits of said messages to said one or more selected concepts. The reference cited by the Examiner (col.5, lines 52-64) shows an example of an e-mail message which uses the special code or escape sequence of #! in the Subject: line.

The present invention is the definition of concepts comprising one or more conditions against which an incoming message can be tested. The results of those tests are used to prioritise the message. Messages having different priorities are displayed in different manners.

Regarding Claim 2, Henderson does not disclose that a display creating step comprises displaying respective cells associated with messages in one or more rows or columns. The reference cited by the Examiner (Figs. 2-3) does not show any display of cells associated with messages and so cannot disclose such a display in one or more rows or columns.

Regarding Claim 3, Henderson does not disclose that a concept defining step comprises associating a concept with a display parameter comprising one of color or size. The reference cited by the Examiner (col.7, lines 12-29) discloses a window background color changing to indicate that a new message has been received. It says nothing about the concept of the newly received message.

Regarding Claim 4, Henderson does not disclose that a display creating step is responsive to a user selecting a prioritized view according to a concept associated with a color, to display said cells in an intensity of said color proportional to the fit of their associated message to said concept. The reference cited by the Examiner (col.8, lines 1-30) discloses that messages of differing priorities may be displayed in different colors (col.8, line 16). It does not disclose the use of color to indicate the concept and of intensity of that color to indicate the goodness of the fit to that concept.

Regarding Claim 5, Henderson does not disclose that a display creating step is responsive to a user selecting a prioritized view according to a concept associated with size, to display said cells with a length proportional to the fit of their associated message to said concept. The reference cited by the Examiner (col.8, lines 32-65) discloses that a sender may specify changes in fonts for different priorities (col.8, line 33.), but it does not refer to the display of cells or to the display of such cells with a length proportional to the goodness of fit to that concept.

Regarding Claim 6, Henderson does not disclose that a display creating step is responsive to a user selecting a prioritized view according to a first concept associated with a color and a second concept associated with size, to display said cells in an intensity of said color proportional to the fit of their associated message to said first concept and with a length proportional to the fit of their associated message to said second concept. The reference cited by the Examiner (col.9, lines 50-65 and figures 1-3) is claim 1 of the patent, together with some drawings. Claim 1 of the patent mentions only the controlling of a font used for an alert message and not to the display of cells.

Regarding Claims 7 and 8, Henderson does not disclose that a display creating step is responsive to a user selecting a prioritized view according to first and second concepts, each associated with a respective color, to display said cells in a color according to the best fit of their associated message to one of said first and second concepts, nor does it disclose that a display creating step is responsive to a user selecting a prioritized view according to a third concept associated with size, to display said cells with a length proportional to the fit of their associated message to said third concept. The reference cited by the Examiner (col.7-8, lines 1-67 and figures 1-3) does not disclose the selection by a view by a user according to concepts, but is instead concerned with actions taken by a system in response to codes entered by a sender of an e-mail. It does not disclose the finding of a best fit to a concept, so it cannot disclose that the display of cells is done according to the fit to a concept.

Since independent Claim 1 has been shown to patentably distinguish over Henderson above,

it follows that dependent Claims 9 - 17 and 19 also patentably distinguish over Henderson. Further, Applicants note that no subject matter from Henderson was applied against dependent method Claims 9-17, which were rejected as "apparatus" claims anticipated by Henderson which corresponded to rejected method Claims 1 - 8. As this rejection is apparently in error, no valid rejection exists.

Independent Claim 18 does generally correspond to independent Claim 1. Claim 1 was demonstrated to patentably distinguish over Henderson above. For these reasons, Applicants submit that Claim 18 also distinguishes over Henderson.

Accordingly, Claims 1-19 patentably distinguish over the prior art and are allowable. The Examiner is respectfully requested to reconsider and to withdraw the rejection of claims 1-19 under 35 U.S.C. 102(e).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a notice of allowance by issued. If the Examiner believes that a telephone conference with Applicants' attorney would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

III.   Summary

Applicants have presented technical explanations and arguments fully supporting their position that the pending claims contain subject matter which is not taught, suggested or disclosed by Henderson. Accordingly, Applicants submit that the present Application is in a condition for Allowance. Reconsideration of the claims and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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